

AXELROD LLP
830 Third Avenue, Fifth Floor
New York, New York 10022
(646) 448-5263

Robert J. Axelrod
rjaxelrod@axelrodllp.com

August 10, 2018

Honorable Denis R. Hurley
United States District Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

**Re: Long Island Neurosurgical Associates, P.C. v.
CIGNA Corporation
Civil Action No. 2:18-cv-04107-DRH-AYS**

Dear Judge Hurley:

I have filed a Notice of Appearance today in this case on behalf of Plaintiff Long Island Neurosurgical Associates, P.C. (“LINA”). I understand that Defendant CIGNA Corporation (“CIGNA”) filed a Notice of Removal on July 18, 2018 (D.E. 1), and that my co-counsel sent a letter to the Court objecting to it on the basis that CIGNA failed to demonstrate that the plan was governed by ERISA.

CIGNA has now produced the Summary Plan Document (“SPD”) for the Plaintiff’s patient plan. We have reviewed this SPD and it is an ERISA plan document. We agree that this action is governed by ERISA. Accordingly, we withdraw my co-counsel’s objections to CIGNA’s Notice of Removal and we will not seek to remand.

I thank you for the Court’s consideration in this matter.

Respectfully submitted,

/s/ Robert J. Axelrod

Robert J. Axelrod

cc: Counsel of record via ECF

**Axelrod LLP
830 Third Avenue, 5th floor
New York, NY 10022
(646) 448-5263**

**Axelrod LLP
354 North Fourth Avenue
Highland Park, NJ 08904
(732) 718-6171**